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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,630	02/23/2004	Glyn Parry	RED-68	8404
20311 7590 05/22/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
ALBERTALLI, BRIAN LOUIS				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
05/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,630

Applicant(s)

PARRY ET AL.

Examiner

BRIAN L. ALBERTALLI

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 4-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 and 14-16 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendments necessitated the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (U.S. Patent 5,781,879), in view of Brown et al. (U.S. Patent 7,137,070).

In regard to claims 1 and 14, Arnold et al. disclose a computer, computer program, and medium provided with a word processing program (column 1, lines 57-59) comprising a syntax evaluation and amendment means adapted to identify predetermined syntax arrangements in inputted text (a selection of text is evaluated to determine the semantic impact of the text, Fig. 2, Phase 2 and column 4, lines 51-59), and to provide alternative syntax arrangements for the inputted text (terms are rearranged in a modification stage, Fig. 3, Phase 3 and column 4, line 60 to column 5, line 3), characterised in that the inputted text is intended to advertise, promote or market

goods or services (column 2, lines 21-26 and column 6, lines 41-43), and the alternative syntax arrangements are adapted to enhance the capability of the inputted text to promote said goods or services (the modification of the input enhances the semantic impact of the advertisement, column 2, lines 21-29 and column 6, lines 41-43).

Arnold et al. do not disclose the syntax arrangements are groups of words formed into clauses or sentences and to provide alternative clauses or sentences in which the syntax arrangement of the group of words is different.

Brown et al. disclose a method for modifying the impact of text, wherein predetermined syntax arrangements of clauses or sentences are identified (phrases and sentences are analyzed to determine the semantic impact, column 16, line 58 to column 17, line 3) and to provide alternative clauses or sentences in which the syntax arrangement of the group of words is different (recommended suggestions are substituted, column 11, lines 28-44).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Arnold et al. to, in addition to scoring and replacing individual words, score and replace clauses or sentences (i.e. predetermined syntax arrangements), because such analyses take into account the overall tone of the message, which is explicitly taught as advantageous by Brown et al. (column 16, line 58 to column 17, line 3).

In regard to claim 2, Arnold et al. disclose the syntax evaluation and amendment means is further adapted to identify predetermined characteristics of words or phrases

in inputted sentences (in Phase 2, words are compared to a lexicon containing predetermined values of semantic impact, column 4, lines 51-59), and to provide words or phrases with alternative predetermined characteristics (more desirable elements are provided from the lexicon to enhance the lexical impact of the document, column 4, line 60 to column 5, line 3).

In regard to claim 3, Arnold et al. disclose the syntax evaluation and amendment means is adapted to identify various syntax arrangements and characteristics of words or phrases such as Kinisthetic words (active words, column 4, line 60 to column 5, line 3).

In regard to claim 15, Arnold et al. disclose a method of amending text intended to advertise or market goods or services including the steps:

- 1) Identifying predetermined syntax arrangements in the text (a selection of text is evaluated to determine the semantic impact of the text, Fig. 2, Phase 2 and column 4, lines 51-59)

- 2) Providing alternative syntax arrangements adapted to enhance the capability of the text to promote said goods or services (terms are rearranged in a modification stage, Fig. 3, Phase 3 and column 4, line 60 to column 5, line 3; the modification of the input enhances the semantic impact of the advertisement, column 2, lines 21-29 and column 6, lines 41-43).

Arnold et al. do not disclose the syntax arrangements are groups of words formed into clauses or sentences and to provide alternative clauses or sentences in which the syntax arrangement of the group of words is different.

Brown et al. disclose a method for modifying the impact of text, wherein predetermined syntax arrangements of clauses or sentences are identified (phrases and sentences are analyzed to determine the semantic impact, column 16, line 58 to column 17, line 3) and to provide alternative clauses or sentences in which the syntax arrangement of the group of words is different (recommended suggestions are substituted, column 11, lines 28-44).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Arnold et al. to, in addition to scoring and replacing individual words, score and replace clauses or sentences (i.e. predetermined syntax arrangements), because such analyses take into account the overall tone of the message, which is explicitly taught as advantageous by Brown et al. (column 16, line 58 to column 17, line 3).

In regard to claim 16, Arnold et al. disclose computer provided with a word processing program according to claim 1 is used to implement steps 1) and 2) (column 1, lines 57-59 and column 2, lines 35-40).

Allowable Subject Matter

Art Unit: 2626

3. Claims 4-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Arnold et al. and Brown et al. do not disclose or suggest the scoring scheme required by the table claimed in claim 4.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN L. ALBERTALLI whose telephone number is (571)272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

BLA 5/21/08